

§ 352.1 Definitions.

(a) This part may be cited by the short title: "Safeguard Regulations." This title shall be understood to include both the regulations and administrative instructions in this part.

(b) Words used in the singular form in this part shall be deemed to import the plural and vice versa as the case may demand. For purposes of this part, unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

(1) *Plant Protection and Quarantine Programs.* The Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, of the U.S. Department of Agriculture.

(2) *Deputy Administrator.* The Deputy Administrator of the Plant Protection and Quarantine Programs, or any officer or employee of the Plant Protection and Quarantine Programs to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(3) *Inspector.* A properly identified employee of the U.S. Department of Agriculture or other person authorized by the Department to enforce the provisions of the Federal Plant Pest Act and the Plant Quarantine Act.

(4) *Customs.* The Bureau of Customs, U.S. Treasury Department, or, with reference to Guam, the Customs Office of the Government of Guam.

(5) *Person.* Any individual, corporation, company, association, firm, partnership, society, or joint stock company.

(6) *Owner.* The owner, or his agent (including the operator of a carrier), having responsible custody of a plant, plant product, plant pest, soil, or other product or article subject to this part.

(7) *Carrier; means of conveyance.* Automobile, truck, animal-drawn vehicle, railway car, aircraft, ship, or other means of transportation.

(8) *Ship.* Any means of transportation by water.

(9) *Stores and furnishings.* Plants and plant products for use on board a carrier; e.g. as food or decorative material.

(10) *Plant pest.* "Plant pest" means any living stage of: Any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria,

fungi, other parasitic plants or reproductive parts thereof, viruses, or any organisms similar to or allied with any of the foregoing, or any infectious substances, which can directly or indirectly injure or cause disease or damage in any plants or parts thereof, or any processed, manufactured, or other products of plants.

(11) *Plants and plant products.* Nursery stock, other plants, plant parts, roots, bulbs, seeds, fruits, nuts, vegetables, and other plant products, and any product constituted, in whole or in part, of plant material which has not been so manufactured or processed as to eliminate pest risk.

(12) *Soil.* The loose surface material of the earth in which plants grow, in most cases consisting of disintegrated rock with an admixture of organic material and soluble salts.

(13) *Other product or article.* Any product or article of any character whatsoever (other than plants, plant products, soil, plant pests, and means of conveyance), which an inspector considers may be infested or infected by or contain a plant pest.

(14) *Prohibited or restricted product or article.* Any product or article as defined in paragraphs (b) (7) through (13) of this section of a kind which is prohibited or restricted importation into the United States under part 319, 320, 321, or 330 of this chapter.

(15) *Prohibited.* Importation into the United States forbidden by part 319, 320, 321, or 330 of this chapter.

(16) *Restricted.* Importation into the United States allowed only in accordance with provisions in parts 319, 320, 321, and 330 of this chapter.

(17) *Immediate (export, trans-shipment, or transportation and exportation).* The period which, in the opinion of the inspector, is the shortest practicable interval of time between the arrival of an incoming carrier and the departure of the outgoing carrier transporting a consignment of prohibited or restricted products or articles.

(18) *Safeguard.* A procedure for handling, maintaining, or disposing of prohibited or restricted products and articles subject to this part so as to eliminate the risk of plant pest dissemination which the prohibited or restricted products and articles may present.

(19) *Plant Quarantine Act.* The act of August 20, 1912, as amended (37 Stat. 315, as amended; 7 U.S.C. 151 et seq.).

(20) *The Federal Plant Pest Act.* Title I of the Act of May 23, 1957 (Title I, 71 Stat. 31; 7 U.S.C. 150aa et seq.).

(21) *Brought in for temporary stay where unloading or landing is not intended.* Brought in by carrier but not intended to be unloaded or landed from such carrier. This phrase includes movement (i) departing from the United States on the same carrier directly from the point of arrival therein; and (ii) transiting a part of the United States before departure therefrom, and applies whether movement under Customs procedure is as residue cargo or follows some form of Customs entry.

(22) *Unloaded or landed for transshipment and exportation.* Brought in by carrier and transferred to another carrier for exportation from the same port, whether or not some form of Customs entry is made.

(23) *Unloaded or landed for transportation and exportation.* Brought in by carrier and transferred to another carrier for transportation to another port for exportation, whether or not some form of Customs entry is made.

(24) *Intended for importation but refused entry.* Brought in by carrier but (i) entry refused under part 319, 320, 321, or 330 of this chapter after arrival but before unloading or landing and retained on board pending removal from the United States or other disposal, or (ii) entry refused under any of said parts after unloading or landing.

(25) *Intended for unloading and entry at a port other than the port of first arrival.* Brought in by carrier at a port for movement to the port of entry under residue cargo procedure of Customs.

(26) *Residue cargo.* Shipments authorized by Customs to be transported under the Customs bond of the carrier on which the shipments arrive, without entry being filed, for direct export from the first port of arrival, or to another port for entry or for direct export at that port without entry being required.

(27) *Port.* Any place designated by the President, Secretary of the Treasury, or Congress at which a Customs officer is assigned with authority to accept entries of merchandise, to collect duties, and to enforce the various provi-

sions of the Customs and Navigation laws in force at that place.

(28) *Port of arrival.* Any port in the United States at which a prohibited or restricted product or article arrives.

(29) *Port of entry.* A port at which a specified shipment or means of conveyance is accepted for entry or admitted without entry into the United States.

(30) *Foreign trade zone.* A formally prescribed area containing various physical facilities located in or adjacent to ports of entry under the jurisdiction of the United States and established, operated, and maintained as a foreign trade zone pursuant to the Foreign-Trade Zones Act of June 18, 1934 (48 Stat. 998–1003; 19 U.S.C. 81a–81u), as amended, wherein foreign merchandise, as well as domestic merchandise, may be deposited for approved purposes. Movement into and from such area is subject to applicable customs, plant quarantine, and other Federal requirements.

(31) *United States.* The States, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands of the United States, and the territorial waters of the United States adjacent to those land areas.

(32) *Administrative instructions.* Published documents set forth in this part relating to the enforcement of this part, and issued under authority thereof by the Deputy Administrator.

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§ 352.2 Purpose; relation to other regulations; applicability.

(a) The importation into the United States of certain plants, plant products, plant pests, soil, and other products and articles which may be infested or infected by, or contain, plant pests is prohibited or restricted by quarantines, orders, and other regulations in parts 319, 320, 321, and 330 of this chapter, issued under authority of sections 1, 5, 7, and 9 of the Plant Quarantine Act, sections 103, 105, 106, and 107 of the Federal Plant Pest Act, the Mexican Border Act (7 U.S.C. 149), and related laws (31 483a; 7 U.S.C. 2260). Under said authorities it is hereby determined that it is not necessary to impose such prohibitions and restrictions upon plants, plant products,